

Statutes, as amended by Chapter 47, Acts of the Regular Session of the Thirty-seventh Legislature, prescribing purposes for which counties may issue bonds; amending Articles 611, 612, 617 and 621, Chapter 1, Title 18, Revised Statutes, 1911, relating to the issuance of county and city bonds; adding to Chapter 1, Title 18, Revised Statutes, five new articles designated as Articles 610a, 610b, 610c, 610d and 610e, authorizing counties, towns, cities, school districts and improvement districts to refund bonds now or hereafter outstanding; providing that nothing in this act shall be construed as invalidating any bond elections previously ordered or held, or any bonds issued and sold by any county, city, town or district, and declaring an emergency."

And find the same correctly engrossed.
SANFORD, Acting Chairman.

THIRTY-FIFTH DAY.

(Continued.)

(Thursday, March 1, 1923.)

The House met at 10 o'clock a. m., and was called to order by Speaker Seagler.

HOUSE BILL NO. 336 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 336, relating to publication of newspapers, on its passage to engrossment, with amendment by Mr. Jacks pending.

Question recurring on the amendment, it was adopted.

Mr. Jacks offered the following amendment to the bill:

Strike out all above the enacting clause and insert in lieu thereof the following:

"A bill to be entitled, 'An Act to prevent any person, corporation, partnership, trust estate, or other legal entity, from selling, or offering for sale or causing to be offered for sale, as the publisher thereof and the printer thereof, in the State of Texas, of any newspaper, or other publication representing to be a newspaper, with a circulation of five thousand (5000) copies or over, when such person or legal entity does not own property, not exempt from execution and unincumbered, to an assessed value of \$10,000, within the State of Texas and providing that when such person or legal entity does not own such property that

such person or legal entity shall furnish bond in the sum of \$10,000 for every such newspaper sold, or offered to be sold, or caused to be offered for sale, in units or lots under 20,000, either daily or weekly, and a further bond of \$5000 for every 10,000 over and above 20,000, or parts thereof, until a maximum bond of \$25,000 shall have been furnished, such bond to be approved by the county judge of the county in which such newspaper or publication is published, and to be filed with the county clerk, and indexed by him in a special book to be kept for that purpose, and such bond shall run in favor of such county judge, and shall be conditioned that should any judgment be rendered in any court of proper jurisdiction within the State of Texas against such person or legal entity because of alleged libelous statements contained in such newspaper or publication, that such person or legal entity shall pay to the county judge, as the property of, and for the use and benefit of, the person recovering such judgment, as against the bond, not to exceed the amount of the bond, and fixing a penalty, and declaring an emergency.'"

The amendment was adopted.

House bill No. 336 was then passed to engrossment.

HOUSE BILL NO. 336 ON THIRD READING.

Mr. Jacks moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 336 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—84.

Abney.	Dielmann.
Amsler.	Dodd.
Arnold.	Duffey.
Avis.	Dunlap.
Baker of Milam.	Dunn.
Baker of Orange.	Durham.
Baldwin.	Fields.
Beasley.	Hardin of Erath.
Bell.	Harrington.
Bobbitt.	Henderson
Bonham.	of McLennan.
Burmeister.	Hendricks.
Carpenter	Houston.
of Matagorda.	Howeth.
Carter of Coke.	Hull.
Carter of Hays.	Irwin.
Collins.	Jacks.
Cowen.	Jennings.
Davenport.	Jones.
DeBerry.	Kemble.

Lackey.	Price.
Lane.	Purl.
Lewis.	Quaid.
Loftin.	Quinn.
McBride.	Robinson.
McDaniel.	Rogers.
McDonald.	Russell of Trinity.
McFarlane.	Sackett.
McKean.	Sanford.
McNatt.	Shearer.
Martin.	Shires.
Maxwell.	Simpson.
Melson.	Sparkman.
Merriman.	Stewart of Jasper.
Merritt.	Stroder.
Montgomery.	Teer.
Moore.	Thrasher.
Morgan	Turner.
of Robertson.	Vaughan.
Patterson.	Wells.
Pinkston.	Williamson.
Pool.	Winfree.
Pope.	Young.
Potter.	

Nays—21.

Atkinson.	LeMaster.
Barker.	Looney.
Bird.	Mathes.
Bryant.	Miller.
Cable.	Perdue.
Crawford.	Rowland.
Downs.	Stewart of Reeves.
Hardin	Wallace.
of Kaufman.	Westbrook.
Henderson	Wessels.
of Marion.	Wilson.
Laird.	

Present—Not Voting.

Harris.

Absent.

Barrett.	Hughes.
Blount.	Johnson.
Brady.	Lamb.
Carpenter	LeSturgeon.
of Dallas.	Morgan
Carson.	of Liberty.
Chitwood.	Pate.
Coffee.	Patman.
Covey.	Rice.
Culp.	Rountree.
Davis.	Russell
Dinkle.	of Callahan.
Driggers.	Satterwhite.
Edwards.	Smith.
Faubion.	Stell.
Finlay.	Stewart
Frnka.	of Edwards.
Fugler.	Storey.
Gipson.	Sweet.
Green.	Thompson.
Greer.	Wilmans.

Absent—Excused.

Lusk.	Stiernberg.
Stevens.	Strickland.

The Speaker then laid House bill No. 336 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—80.

Abney.	Kemble.
Amsler.	Lackey.
Arnold.	Lane.
Avis.	Lewis.
Baker of Milam.	McBride.
Baker of Orange.	McDaniel.
Baldwin.	McDonald.
Beasley.	McFarlane.
Bell.	McNatt.
Bobbitt.	Martin.
Bonham.	Melson.
Burmeister.	Merriman.
Cable.	Merritt.
Carpenter	Montgomery.
of Matagorda.	Moore.
Carson.	Morgan
Carter of Coke.	of Robertson.
Carter of Hays.	Perdue.
Coffee.	Pinkston.
Collins.	Pope.
Cowen.	Potter.
Dielmann.	Price.
Dodd.	Purl.
Duffey.	Quaid.
Dunn.	Quinn.
Durham.	Robinson.
Edwards.	Rountree.
Finlay.	Rowland.
Greer.	Sackett.
Hardin of Erath.	Shearer.
Harrington.	Shires.
Henderson	Sparkman.
of McLennan.	Stewart of Jasper.
Hendricks.	Stroder.
Houston.	Sweet.
Hughes.	Teer.
Hull.	Thrasher.
Irwin.	Turner.
Jacks.	Vaughan.
Jennings.	Wells.
Jones.	Williamson.
	Winfree.

Nays—25.

Atkinson.	Mathes.
Barker.	Miller.
Bird.	Patterson.
Bryant.	Russell of Trinity.
Crawford.	Stewart
Downs.	of Edwards.
Dunlap.	Stewart of Reeves.
Fields.	Thompson.
Hardin	Wallace.
of Kaufman.	Westbrook.
Harris.	Wessels.
Laird.	Wilson.
LeMaster.	Young.
Looney.	

Present—Not Voting.

DeBerry.	McKean.
Henderson	Rogers.
of Marion.	Simpson.
Howeth.	

Absent.

Barrett.	Lamb.
Blount.	LeStourgeon.
Brady.	Loftin.
Carpenter	Maxwell.
of Dallas.	Morgan
Chitwood.	of Liberty.
Covey.	Pate.
Culp.	Patman.
Davenport.	Pool.
Davis.	Rice.
Dinkle.	Russell
Driggers.	of Callahan.
Faubion.	Sanford.
Frnka.	Satterwhite.
Fugler.	Smith.
Gipson.	Stell.
Green.	Storey.
Johnson.	Wilmans.

Absent—Excused.

Lusk.	Stiernberg.
Stevens.	Strickland.

Mr. Jacks moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 410 ON SECOND READING.

On motion of Mr. Burmeister, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 410, A bill to be entitled "An Act requiring the erection of adequate fire escapes on certain classes of three or more story buildings now or hereafter constructed in this State, and making it the duty of the owners of such buildings and the duty of all boards, commissions, boards of trustees of public schools, county commissioners courts, city councils, boards of city commissioners, and all officials having charge or supervision of public buildings within the provisions of this act and owned by this State or by any county, city, town or school district to provide such buildings with adequate fire escapes; defining the terms 'owner,' 'story' and 'adequate fire escape,' and fixing minimum specifications for adequate fire escapes and requiring the maintenance of exit and guide lights and signs to fire escapes and making it

an offense to obstruct the free access to any fire escape; fixing the time within which such buildings shall be equipped with fire escapes and exempting from this act certain buildings already equipped with fire escapes meeting certain requirements; fixing penalties for violation of any provision of this act by owners of buildings, and making it an offense for any person as agent to represent a non-resident owner of any building within the provisions of this act who fails to comply with this act and fixing penalties therefor; providing that the State Fire Marshal shall have general supervision of the enforcement of this act and making it his duty and the duty of certain other officials to give notice of the provisions of this act and file complaints for violation of its provisions, and authorizing private persons to file such complaints, and making it the duty of county attorneys and district attorneys under certain conditions to prosecute such complaints; providing that the Attorney General and county and district attorneys may proceed by suit or injunction to enforce the provisions of this act, and permitting such suits to be prosecuted on the relation of said officials or of the State Fire Marshal or any inspector of the State Fire Commission, or the chief of any fire department or the fire marshal of any city or town, or of any private person, and authorizing district courts and judges thereof to issue mandatory injunctions and other writs to enforce the provisions of this act; providing that if any section, paragraph or provision of this act shall be held unconstitutional, that such holding shall not affect the remaining sections, paragraphs or provisions hereof; repealing Chapter 70 of the Acts of the Regular Session of the Thirtieth Legislature, passed and approved April 6, 1907, and Chapter 12 of the Acts of the Regular Session of the Thirty-fourth Legislature, passed and approved February 16, 1915, and Chapter 140 of the Acts of the Regular Session of the Thirty-fifth Legislature, passed and approved March 30, 1917, all relating to fire escapes, and also repealing Articles 861 to 867, inclusive, of the Penal Code of the Revised Criminal Statutes of 1911, and all laws and parts of laws in conflict with this act, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Burmeister offered the following amendment to the bill:

Amend bill by striking out all of Section 7, on page 4 of the bill, and in lieu thereof insert the following: "The word 'story,' as used in this act, shall be construed to have its usual and ordinary meaning as applied to architecture, and in addition thereto shall be construed so as to include a basement of any building that extends five feet or more above grade line on one or more sides of such building, a balcony or mezzanine floor of any building, a roof of any building used as a roof garden, and an attic of any building used for any purpose."

The amendment was adopted.

Mr. Henderson of McLennan offered the following amendment to the bill:

Amend House bill No. 410 by adding a new section to be known as "19a," as follows: "Provided the provisions of the act shall not apply to any fire-proof constructed building."

Mr. Burmeister moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question first recurring on the amendment by Mr. Henderson of McLennan, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—9.

Bell.	Looney.
Harrington.	Satterwhite.
Harris.	Shires.
Henderson	Vaughan.
of Marion.	Wessels.

Nays—98.

Abney.	Carter of Coke.
Amsler.	Carter of Hays.
Arnold.	Covey.
Atkinson.	Culp.
Avis.	Davenport.
Baker of Milam.	DeBerry.
Baker of Orange.	Dielmann.
Baldwin.	Dodd.
Barker.	Downs.
Barrett.	Driggers.
Beasley.	Duffey.
Bird.	Dunn.
Bobbitt.	Durham.
Bonham.	Edwards.
Bryant.	Faubion.
Burmeister.	Fields.
Cable.	Finlay.
Carpenter	Green.
of Matagorda.	Hardin of Erath.
Carson.	

Hardin	Pate.
of Kaufman.	Patterson.
Henderson	Perdue.
of McLennan.	Pinkston.
Hendricks.	Pool.
Houston.	Pope.
Howeth.	Quaid.
Hughes.	Quinn.
Hull.	Robinson.
Irwin.	Rogers.
Jennings.	Rowland.
Johnson.	Sackett.
Jones.	Sanford.
Kemble.	Shearer.
Lackey.	Simpson.
Laird.	Smith.
Lane.	Sparkman.
LeMaster.	Stewart
Lewis.	of Edwards.
Loftin.	Stewart of Reeves.
McDaniel.	Storey.
McFarlane.	Stroder.
McKean.	Sweet.
McNatt.	Teer.
Martin.	Thompson.
Melson.	Thrasher.
Merriman.	Turner.
Merritt.	Wells.
Moore.	Westbrook.
Morgan	Williamson.
of Liberty.	Wilson.
Morgan	Winfree.
of Robertson.	Young.

Present—Not Voting.

Wilmans.

Absent.

Blount.	McDonald.
Brady.	Mathes.
Carpenter	Maxwell.
of Dallas.	Miller.
Chitwood.	Montgomery.
Coffee.	Patman.
Collins.	Potter.
Cowen.	Price.
Crawford.	Purl.
Davis.	Rice.
Dinkle.	Rountree.
Dunlap.	Russell
Frnka.	of Callahan.
Fugler.	Russell of Trinity.
Gipson.	Stell.
Greer.	Stevens.
Jacks.	Stewart of Jasper.
Lamb.	Stiernberg.
LeStourgeon.	Strickland.
Lusk.	Wallace.
McBride.	

House bill No. 410 was then passed to engrossment.

HOUSE BILL NO. 410 ON THIRD READING.

Mr. Burmeister moved that the constitutional rule requiring bills to be

read on three several days be suspended and that House bill No. 410 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—107.

Mr. Speaker.	LeMaster.
Abney.	Lewis.
Amsler.	Loftin.
Arnold.	Looney.
Atkinson.	McDaniel.
Avis.	McDonald.
Baker of Milam.	McFarlane.
Baker of Orange.	McKean.
Barker.	McNatt.
Barrett.	Martin.
Beasley.	Melson.
Bell.	Merritt.
Bird.	Miller.
Bobbitt.	Moore.
Bonham.	Morgan
Bryant.	of Liberty.
Burmeister.	Morgan
Cable.	of Robertson.
Carpenter	Pate.
of Matagorda.	Perdue.
Carson.	Pinkston.
Carter of Coke.	Pope.
Carter of Hays.	Potter.
Covey.	Price.
Cowen.	Quaid.
Culp.	Quinn.
Davenport.	Robinson.
DeBerry.	Rogers.
Dielmann.	Rountree.
Dodd.	Rowland.
Downs.	Russell
Driggers.	of Callahan.
Duffey.	Russell of Trinity.
Dunn.	Sackett.
Durham.	Sanford.
Edwards.	Satterwhite.
Faubion.	Shearer.
Fields.	Shires.
Gipson.	Simpson.
Green.	Sparkman.
Greer.	Stewart of Reeves.
Hardin of Erath.	Stroder.
Hardin	Sweet.
of Kaufman.	Teer.
Henderson	Thompson.
of Marion.	Thrasher.
Hendricks.	Turner.
Houston.	Vaughan.
Howeth.	Wallace.
Hughes.	Wells.
Hull.	Westbrook.
Jennings.	Williamson.
Jones.	Wilmans.
Kemble.	Wilson.
Lackey.	Winfree.
Laird.	Young.
Lane.	

Nays—6.

Finlay. Harrington.

Henderson
of McLennan.
Maxwell.

Stewart
of Edwards.
Wessels.

Absent.

Baldwin.	LeStourgeon.
Blount.	Lusk.
Brady.	McBride.
Carpenter	Mathes.
of Dallas.	Merriman.
Chitwood.	Montgomery.
Coffee.	Patman.
Collins.	Patterson.
Crawford.	Pool.
Davis.	Purl.
Dinkle.	Rice.
Dunlap.	Smith.
Frnka.	Stell.
Fugler.	Stevens.
Harris.	Stewart of Jasper.
Irwin.	Stiernberg.
Jacks.	Storey.
Johnson.	Strickland.
Lamb.	

The Speaker then laid House bill No. 410 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—112.

Abney.	Dunn.
Amsler.	Durham.
Arnold.	Edwards.
Atkinson.	Faubion.
Avis.	Fields.
Baker of Milam.	Finlay.
Baker of Orange.	Gipson.
Baldwin.	Green.
Barker.	Greer.
Barrett.	Hardin of Erath.
Beasley.	Hardin
Bell.	of Kaufman.
Bird.	Harris.
Bobbitt.	Henderson
Bonham.	of Marion.
Bryant.	Hendricks.
Burmeister.	Houston.
Cable.	Howeth.
Carpenter	Hughes.
of Matagorda.	Hull.
Carson.	Irwin.
Carter of Coke.	Jacks.
Carter of Hays.	Jennings.
Covey.	Johnson.
Cowen.	Jones.
Culp.	Kemble.
Davenport.	Lackey.
DeBerry.	Laird.
Dielmann.	Lane.
Dodd.	LeMaster.
Downs.	Lewis.
Driggers.	Loftin.
Duffey.	Looney.

McDaniel.	Russell
McDonald.	of Callahan.
McKean.	Russell of Trinity.
McNatt.	Sackett.
Martin.	Sanford.
Maxwell.	Shearer.
Melson.	Simpson.
Merriman.	Smith.
Merritt.	Sparkman.
Miller.	Stewart
Moore.	of Edwards.
Morgan	Stewart of Reeves.
of Liberty.	Storey.
Morgan	Stroder.
of Robertson.	Sweet.
Pate.	Teer.
Patman.	Thompson.
Patterson.	Thrasher.
Perdue.	Turner.
Pinkston.	Vaughan.
Potter.	Wells.
Quaid.	Westbrook.
Quinn.	Williamson.
Robinson.	Wilmans.
Rogers.	Wilson.
Rountree.	Young.
Rowland.	

Nays—4.

Harrington.	Satterwhite.
Henderson	Wessels.
of McLennan.	

Absent.

Blount.	McFarlane.
Brady.	Mathes.
Carpenter	Montgomery.
of Dallas.	Pool.
Chitwood.	Pope.
Coffee.	Price.
Collins.	Purl.
Crawford.	Rice.
Davis.	Shires.
Dinkle.	Stell.
Dunlap.	Stevens.
Frnka.	Stewart of Jasper.
Fugler.	Stiernberg.
Lamb.	Strickland.
LeSturgeon.	Wallace.
Lusk.	Winfree.
McBride.	

Mr. Burmeister moved to reconsider the vote by which the bill was passed and to table the motion to reconsider. The motion to table prevailed.

PROVIDING FOR ENTERTAINMENT BY WESLEY CHAPEL CHORAL CLUB.

Mr. Atkinson offered the following resolution:

Whereas, Wesley Chapel Choir (colored) is a musical organization of great talent; and

Whereas, They are capable of rendering a very entertaining program; and

Whereas, They have agreed to entertain the members of the House of Representatives with a concert; now, therefore, be it

Resolved, That we invite the Wesley Chapel Choir to render a concert here in the Hall Thursday evening, March 1, 1923.

The resolution was read second time and was adopted.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Barrett, the following bills were ordered not printed: Senate bill No. 355; House bills Nos. 660, 666, 651, 652, 643, 508.

On motion of Mr. Pate, House bill No. 666 was ordered not printed.

HOUSE BILL NO. 338 ON SECOND READING.

On motion of Mr. Amsler, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 338, A bill to be entitled "An Act to amend subdivision 3 of Article 7507 of Chapter 11, Title 126, Revised Civil Statutes of 1911, pertaining to the payment of county taxes on lands acquired and owned by the State for the purpose of establishing thereon State farms and employing thereon convict labor on State account so as to provide for the payment of taxes on such lands levied and assessed for the purpose of paying the interest on and creating a sinking fund to redeem at maturity bonds voted and sold prior to the acquisition of such land by the State, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Rice offered the following amendments to the bill:

Amend House bill No. 338 by striking out the words "purposes only" at the end of line 32, page 1, and insert the following: "and district purposes only as herein provided."

Amend House bill No. 338 by striking out the words "prior to the acquisition of the land by the State," in line 8, page 2.

The amendments were severally adopted.

Mr. Amsler offered the following (committee) amendment to the bill:

Amend House bill No. 338 by striking out the period at the end of Section

l thereof and inserting in lieu there a semi-colon, and by adding after the semi-colon the following: "provided nothing in this subdivision is intended or shall be held to authorize any suit to collect any taxes levied and assessed hereunder, or the seizure of or levy upon or sale of any property belonging to the State, or to create any lien thereon, for the purpose of enforcing or securing payment of any such taxes."

The amendment was adopted.

House bill No. 338 was then passed to engrossment.

HOUSE BILL NO. 338 ON THIRD READING.

Mr. Amsler moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 338 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—92.

Mr. Speaker.	Houston.
Abney.	Hull.
Amsler.	Jacks.
Arnold.	Jennings.
Baker of Milam.	Kemble.
Baker of Orange.	Lackey.
Barker.	Laird.
Beasley.	Lamb.
Bird.	Lane.
Bonham.	Looney.
Burmeister.	McBride.
Carpenter	McDaniel.
of Matagorda.	McDonald.
Carson.	McFarlane.
Carter of Coke.	McNatt.
Carter of Hays.	Merriman.
Coffee.	Merritt.
Collins.	Morgan
Crawford.	of Robertson.
Culp.	Patman.
Davenport.	Patterson.
DeBerry.	Perdue.
Dielmann.	Pinkston.
Dodd.	Pool.
Downs.	Pope.
Driggers.	Potter.
Duffey.	Price.
Dunn.	Purl.
Durham.	Quaid.
Edwards.	Quinn.
Finlay.	Rice.
Gipson.	Robinson.
Harrington.	Rogers.
Henderson	Rowland.
of Marion.	Russell of Trinity.
Henderson	Sackett.
of McLennan.	Sanford.
Hendricks.	Shearer.

Simpson.
Smith.
Sparkman.
Stevens.
Stewart
of Edwards.
Storey.
Stroder.
Sweet.
Thompson.
Thrasher.

Turner.
Vaughan.
Wells.
Westbrook.
Wessels.
Williamson.
Wilms.
Wilson.
Winfree.
Young.

Nays—14.

Atkinson.
Bryant.
Cable.
Green.
Howeth.
Martin.
Mathes.
Maxwell.

Pate.
Russell
of Callahan.
Satterwhite.
Stewart of Jasper.
Stewart of Reeves.
Teer.

Absent.

Avis.
Baldwin.
Barrett.
Bell.
Blount.
Bobbitt.
Brady.
Carpenter
of Dallas.
Chitwood.
Covey.
Cowen.
Davis.
Dinkle.
Dunlap.
Faubion.
Fields.
Frnka.
Fugler.
Greer.
Hardin of Erath.
Hardin
of Kaufman.

Harris.
Hughes.
Irwin.
Johnson.
Jones.
LeMaster.
LeSturgeon.
Lewis.
Loftin.
Lusk.
McKean.
Melson.
Miller.
Montgomery.
Moore.
Morgan
of Liberty.
Rountree.
Shires.
Stell.
Stiernberg.
Strickland.
Wallace.

The Speaker then laid House bill No. 338 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—88.

Abney.	Carson.
Amsler.	Carter of Coke.
Arnold.	Carter of Hays.
Baker of Milam.	Cowen.
Baker of Orange.	Crawford.
Barker.	Culp.
Beasley.	Davenport.
Bird.	DeBerry.
Bonham.	Dielmann.
Burmeister.	Dodd.
Carpenter	Downs.
of Matagorda.	Driggers.

Duffey.	Pool.
Dunn.	Pope.
Durham.	Potter.
Finlay.	Purl.
Gipson.	Quaid.
Greer.	Quinn.
Harrington.	Rice.
Henderson	Robinson.
of Marion.	Rogers.
Henderson	Rowland.
of McLennan.	Russell of Trinity.
Hendricks.	Sackett.
Houston.	Sanford.
Howeth.	Satterwhite.
Hull.	Shearer.
Jacks.	Simpson.
Jennings.	Smith.
Kemble.	Sparkman.
Lackey.	Stevens.
Laird.	Stewart
Lamb.	of Edwards.
Lane.	Storey.
Looney.	Stroder.
McBride.	Sweet.
McDaniel.	Thompson.
McDonald.	Thrasher.
McFarlane.	Turner.
McNatt.	Vaughan.
Melson.	Wells.
Merritt.	Wessels.
Morgan	Williamson.
of Robertson.	Wilmans.
Patterson.	Wilson.
Perdue.	Winfree.
Pinkston.	

Nays—14.

Atkinson.	Maxwell.
Bryant.	Pate.
Cable.	Russell
Collins.	of Callahan.
Green.	Stewart of Jasper.
Hardin	Stewart of Reeves.
of Kaufman.	Westbrook.
Martin.	Young.

Absent.

Avis.	Frnka.
Baldwin.	Fugler.
Barrett.	Hardin of Erath.
Bell.	Harris.
Blount.	Hughes.
Bobbitt.	Irwin.
Brady.	Johnson.
Carpenter	Jones.
of Dallas.	LeMaster.
Chitwood.	LeStourgeon.
Coffee.	Lewis.
Covey.	Loftin.
Davis.	Lusk.
Dinkle.	McKean.
Dunlap.	Mathes.
Edwards.	Merriman.
Faubion.	Miller.
Fields.	Montgomery.

Moore.	Shires.
Morgan	Stell.
of Liberty.	Stiernberg.
Patman.	Strickland.
Price.	Teer.
Rountree.	Wallace.

RELATING TO HOUSE BILL NO. 410.

On motion of Mr. Burmeister, the following letter was ordered printed in the Journal:

State Fire Insurance Commission,

Austin, Texas, February 24, 1923.

To the Members of the Thirty-eighth Legislature.

Gentlemen: House bill No. 410, by Burmeister, Jones, Sparkman, Johnson, Baker of Milam and others, was prepared by the Attorney General at the request of this department to take the place of the old fire escape law recently held unconstitutional by the Court of Criminal Appeals. We have at this time no law in regard to the erection of fire escapes on any building of any character in this State.

Of course, Texas, like all other States, must have an adequate fire escape law for the protection of human life.

This bill has been carefully worked out by the Attorney General after due consideration given to the old fire escape law, the opinion of the Court of Criminal Appeals holding that law unconstitutional and all other data, details, experiences and circumstances available up to the present time. This department believes that the present bill is the most liberal, fair and effective measure that can be enacted into law for the purpose of protecting the lives of people in buildings three or more stories in height.

At the request of the authors of the bill this department is submitting herewith certain data and information about the bill which may make it, in all of its provisions, as plain as possible to the members of the Legislature.

First. The bill may seem to be a lengthy one. This, however, is due to the fact that under the opinion of the Court of Criminal Appeals the minimum specifications prescribed for the erection of fire escapes must be included in the law instead of being prescribed in the

rules and regulations of the State Fire Marshal. As you will note, the specifications included in the bill cover about eleven pages, and the other provisions of the bill are short; and the bill is as simple and short as is possible consistent with the purposes of the law and the opinion of the Attorney General that it will stand the tests of the courts.

Second. This bill, if enacted into law, will reduce the number of fire escapes on buildings as against the requirements of the old law; and you will note that the buildings have been divided into groups according to their hazard, and in keeping with the necessity as shown by experience in the administration of the law.

Third. You will note that there is no provision in the bill to except so-called "fireproof buildings." Years of experience has demonstrated the fact that, from the standpoint of protection to human life, there is no such thing as a fireproof building, because the contents and not the construction of the building is the prime factor in case of fire. The combustible contents of all buildings are different; therefore, the hazard is different, and in view of this it would be impossible to successfully and fairly separate any different kinds of buildings without discrimination. And, of course, any law which discriminates would not stand the test of the courts.

Fourth. You will also observe that fire escapes, under this bill, may be erected on the exterior or the interior of the building and may be constructed of steel, iron or concrete, as the architect and owner may desire.

Fifth. At the present time, as above stated, Texas is wholly without a fire escape law, and this department has no authority to compel the observance of the simple rules of safety in regard to the construction of buildings for the protection of the public. Likewise, those who are now constructing or desire to construct new buildings, which are numerous, do not know what to rely upon, as there is no law, and can be none affecting such matters until the Legislature acts.

Sixth. It is, of course, necessary to refer to the imperative need of an adequate fire escape law for Texas. There are hundreds of examples of the loss of human lives, particularly children, in dormitories and other school buildings, workers in factories and guests of hotels

which demonstrate the necessity of an effective fire escape law which will compel the owners and managers of buildings to provide the ordinary safety appliances in buildings to protect human lives.

Respectfully submitted,

G. W. TILLEY,
State Fire Marshal.

HOUSE BILL NO. 333 ON SECOND READING.

On motion of Mr. Stewart of Jasper, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 333, A bill to be entitled "An Act to amend Articles 7315 to 7324, inclusive, of Chapter 8, Title 124, Revised Civil Statutes, 1911, as amended by Chapter 169, General Laws, passed at the Regular Session of the Thirty-fourth Legislature, as amended further by Chapter 60, General Laws, passed at the Regular Session of the Thirty-sixth Legislature, all of which relate to the Live Stock Sanitary Commission, by adding a section thereto providing that under certain conditions and regulations, cattle may be shipped from one point to another within the State of Texas."

The Speaker laid the bill before the House and it was read second time.

Mr. Patman offered the following amendment to the bill:

Amend by striking out all after the enacting clause and inserting the following:

Section 1. The owner or caretaker or any agent for the owner or caretaker for any live stock coming within the provisions of this act, in any county or part of a county placed under quarantine under the provisions of this act, or under any ruling of the Live Stock Sanitary Commission, or proclamation of the Governor of Texas, shall nevertheless be entitled to remove such cattle from such quarantined county or part of county to any other point in Texas by the most direct route, by driving or carrying or shipping, if desired, as follows:

Such person, firm or corporation, or the agent of any such person, firm or corporation, may remove or cause to be removed such cattle coming within the provisions of this act by giving to the chairman or any member of the Live Stock Sanitary Commission, or to any live stock inspector who is working under appointment by said Live Stock Sanitary

Commission, notice of such intention to remove such cattle, and such member of such Live Stock Sanitary Commission, or such live stock inspector so notified shall, within three days after receiving such notice, inspect or cause to be inspected such live stock, and if found to be infected with fever carrying tick, such inspector shall require such cattle to be dipped at the point of shipment and in the solution as provided by law and made free of ticks, after which such cattle may be driven, carried or transported to any point in Texas and without being re-dipped or re-inspected en route, and it shall be the duty of such live stock inspector, immediately after dipping, to issue to such party a permit to drive, carry or transport such cattle to any point in Texas by the most direct route of transportation. But if such cattle are found to be free from the fever carrying tick, said owner or caretaker above mentioned shall be allowed to drive, carry or transport such cattle as above provided, and said live stock inspector shall immediately issue a permit to such party, authorizing him to drive, carry or transport such cattle, without dipping or re-inspection en route, to any point in Texas by the most direct route of transportation; provided that such cattle en route shall not be driven through infected territory into clean territory, under said permits, but must be moved by rail or vehicle. And provided further, in either of the above instances it shall be the duty of the carrier or railway company to accept such cattle under said permit, and to transport promptly such cattle to their destination in Texas by the most direct route.

Sec. 2. If such Live Stock Sanitary Commissioner or any inspector so appointed by the said Live Stock Sanitary Commission fails or refuses to perform the duties herein imposed upon him, he shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25 nor more than \$200, and each case of such failure or refusal shall constitute a separate offense; and provided further, that venue for the trial of such case or cases shall be in the county where such Live Stock Sanitary Commissioner or such live stock inspector fails or refuses to perform such duty or duties herein imposed.

Sec. 3. Provided, further, that if any Live Stock Sanitary Commissioner or any inspector so appointed by said Live Stock Sanitary Commission shall knowingly, negligently or wilfully allow or permit any cattle or other stock to be

removed out of the county or part of county that are infected with the fever carrying tick, he shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$25 nor more than \$200.

Sec. 4. All laws, rules, regulations and proclamations, or parts thereof in conflict herewith, are hereby repealed.

Question—Shall the amendment be adopted?

On motion of Mr. Patman, the bill was laid on the table subject to call.

HOUSE BILL NO. 239 ON SECOND READING.

On motion of Mr. Barrett, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 239, A bill to be entitled "An Act relating to and providing for vocational education; accepting and validating previous acceptances of the benefits of an act passed by the Congress of the United States, approved on February 23, 1917, for the promotion of vocational education; designating the State Treasurer of the State of Texas as custodian for the reception and disbursement of all funds allotted to this State from appropriations made by the said act of Congress; designating and authorizing the State Board of Vocational Education as the State Board of Vocational Education in the administration of the provisions of said act; making an appropriation of \$223,038.42, or so much thereof as may be necessary, for the fiscal year 1923-24, and an appropriation of \$267,723.90, or so much thereof as may be necessary, for the fiscal year 1924-25; naming conditions under which aid may be extended by the State Board of Vocational Education, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Burmeister offered the following amendment to the bill:

Amend House bill No. 239 by striking out all of Section 4 on pages 2 and 3 of printed bill.

The amendment was adopted.

Mr. Burmeister offered the following amendment to the bill:

Amend House bill No. 239 on page 3 by changing the numbers of Sections 5, 6, 7, to 4, 5, 6.

The amendment was adopted.

Mr. Burmeister offered the following amendment to the bill:

Amend the caption of House bill No.

239 by striking out, after the word "act" on line 17, all the balance on said line, lines 18, 19 and all of the part of line 20 to and including the figures "1924-1925."

The amendment was adopted.

Mr. Hardin of Kaufman moved that further consideration of the bill be postponed indefinitely.

On motion of Mr. Satterwhite, the motion to postpone was tabled.

House bill No. 239 was then passed to engrossment.

HOUSE BILL NO. 239 ON THIRD READING.

Mr. Burmeister moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 239 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—102.

Mr. Speaker.	Houston.
Abney.	Howeth.
Amsler.	Hughes.
Arnold.	Hull.
Baker of Milam.	Jacks.
Baker of Orange.	Jennings.
Beasley.	Kemble.
Bird.	Lackey.
Bonham.	Laird.
Burmeister.	Lamb.
Cable.	Lane.
Carpenter	LeMaster.
of Matagorda.	Lewis.
Carson.	Loftin.
Carter of Coke.	McBride.
Carter of Hays.	McDaniel.
Cowen.	McDonald.
Crawford.	McFarlane.
Culp.	McKean.
Davenport.	McNatt.
DeBerry.	Martin.
Dielmann.	Maxwell.
Dodd.	Melson.
Driggers.	Merriman.
Duffey.	Montgomery.
Dunn.	Moore.
Durham.	Morgan
Edwards.	of Liberty.
Faubion.	Morgan
Finlay.	of Robertson.
Gipson.	Pate.
Green.	Patman.
Greer.	Patterson.
Hardin of Erath.	Pinkston.
Harrington.	Potter.
Henderson	Purl.
of Marion.	Quaid.
Henderson	Quinn.
of McLennan.	Rice.
Hendricks.	Robinson.

Rogers.	Stewart of Reeves.
Rountree.	Storey.
Russell	Stroder.
of Callahan.	Teer.
Russell of Trinity.	Thrasher.
Sackett.	Turner.
Sanford.	Vaughan.
Satterwhite.	Wells.
Shearer.	Westbrook.
Shires.	Williamson.
Smith.	Wilmans.
Sparkman.	Wilson.
Stevens.	Winfree.
Stewart	Young.
of Edwards.	

Nays—12.

Atkinson.	Looney.
Avis.	Merritt.
Barker.	Perdue.
Collins.	Rowland.
Downs.	Stewart of Jasper.
Hardin	Wessels.
of Kaufman.	

Absent.

Baldwin.	Fugler.
Barrett.	Harris.
Bell.	Irwin.
Blount.	Johnson.
Bobbitt.	Jones.
Brady.	LeSturgeon.
Bryant.	Mathes.
Carpenter	Miller.
of Dallas.	Pool.
Chitwood.	Pope.
Coffee.	Price.
Covey.	Simpson.
Davis.	Stell.
Dinkle.	Sweet.
Dunlap.	Thompson.
Fields.	Wallace.
Frnka.	

Absent—Excused.

Lusk.	Strickland.
Stiernberg.	

The Speaker then laid House bill No. 239 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—104.

Mr. Speaker.	Bell.
Abney.	Bonham.
Amsler.	Bryant.
Arnold.	Burmeister.
Avis.	Cable.
Baker of Milam.	Carpenter
Baker of Orange.	of Matagorda.
Barrett.	Carson.
Beasley.	Carter of Coke.

Carter of Hays.	Miller.
Cowen.	Montgomery.
Culp.	Moore.
Davenport.	Morgan
DeBerry.	of Liberty.
Diemann.	Morgan
Dodd.	of Robertson.
Downs.	Pate.
Driggers.	Patterson.
Duffey.	Perdue.
Dunn.	Pinkston.
Durham.	Pope.
Edwards.	Potter.
Faubion.	Price.
Finlay.	Purl.
Gipson.	Quaid.
Green.	Quinn.
Greer.	Rice.
Hardin of Erath.	Robinson.
Harrington.	Rogers.
Henderson	Rountree.
of Marion.	Russell
Henderson	of Callahan.
of McLennan.	Russell of Trinity.
Hendricks.	Sackett.
Houston.	Sanford.
Howeth.	Satterwhite.
Hughes.	Shires.
Jacks.	Smith.
Jennings.	Sparkman.
Lackey.	Stevens.
Laird.	Stewart
Lamb.	of Edwards.
Lane.	Stewart of Reeves.
LeMaster.	Storey.
Lewis.	Stroder.
Loftin.	Sweet.
McBride.	Teer.
McDaniel.	Thrasher.
McFarlane.	Vaughan.
McKean.	Wells.
McNatt.	Westbrook.
Martin.	Williamson.
Maxwell.	Wilmons.
Melson.	Wilson.
Merriman.	Young.
Merritt.	

Nays—8.

Atkinson.	Hull.
Barker.	Looney.
Collins.	Stewart of Jasper.
Hardin	Wessels.
of Kaufman.	

Present—Not Voting.

Bird.

Absent.

Baldwin.	Coffee.
Blount.	Covey.
Bobbitt.	Crawford.
Brady.	Davis.
Carpenter	Dinkle.
of Dallas.	Dunlap.
Chitwood.	Fields.

Frnka.	Patman.
Fugler.	Pool.
Harris.	Rowland.
Irwin.	Shearer.
Johnson.	Simpson.
Jones.	Stell.
Kemble.	Thompson.
LeSturgeon.	Turner.
McDonald.	Wallace.
Mathes.	Winfree.

Absent—Excused.

Lusk.	Strickland.
Stiernberg.	

Mr. Burmeister moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, March 1, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 294, A bill to be entitled "An Act to reorganize the Forty-sixth and Forty-seventh Judicial Districts and to create the Ninety-third Judicial District of the State of Texas, and for the appointment of the district judge and district attorney for said Ninety-third Judicial District; providing for holding the district courts and the terms thereof in the Forty-sixth, Forty-seventh and Ninety-third Judicial Districts, respectively, and providing that all process and writs heretofore issued, and all recognizances and bonds heretofore made and executed and returnable to existing terms of district court in the counties composing said districts, together with jurors heretofore selected, are valid and returnable to the first term of such court after this act takes effect, and providing for the continuation of the existing district courts in said counties in session when this act takes effect, to the end of their terms; repealing all conflicting laws, and declaring an emergency," with amendments.

H. B. No. 468, A bill to be entitled "An Act creating the Ninety-third Judicial District of Texas, and fixing its boundaries, and providing for two district courts in said district, one in Stephens county and the other in Young county; defining and declaring the jurisdiction of said courts, respectively, and prescribing the duration of said courts;

fixing terms of said courts; providing for a district judge of said district, and that in Young county the district attorney of the Thirtieth Judicial District shall act as district attorney of said new district; providing for a clerk of each such new court, and for compensation of such district attorney and of such clerks; providing for return to such new courts of process, writs and bonds, and for transfer and re-transfer of causes and actions, motions and matters to and from the dockets of such new courts, respectively; validating certain outstanding process and writs; detaching and removing Stephens county from the Forty-second Judicial District of Texas, and declaring an emergency."

Respectfully,
RICHARD BLALOCK,
 Assistant Secretary of the Senate.

MESSAGE FROM THE SENATE.

Senate Chamber.
 Austin, Texas, March 1, 1923.
 Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. C. R. No. 18, Relating to the death of Judge James I. Perkins.

S. C. R. No. 19, In reference to a joint committee of both Houses to visit Decatur.

S. C. R. No. 20, In reference to the extension department of the University of Texas working out some plan to eliminate illiteracy in Texas.

H. C. R. No. 23, Relating to an entertainment to be given to the members of the Legislature by the Amateur Choral Club of Austin.

H. C. R. No. 24, Providing for a joint session of the House and Senate, Tuesday morning, to hear an address by Mr. Sidney Smith.

The Senate has granted the request of the House for a free conference committee on House bill No. 60, and the following have been appointed on behalf of the Senate: Senators Bowers, Fairchild, Holbrook, Dudley and McMillin.

The Senate has passed

S. B. No. 391, A bill to be entitled "An Act to prohibit private corporations, persons, cities, towns or other public corporations from exercising the right of eminent domain over certain riparian and water rights and lands under or adjacent to any streams in this State, used for the purpose of developing water power; excepting from the provisions

hereof cities and towns having a population of 25,000 or over; repealing all laws in conflict herewith, and declaring an emergency."

Respectfully,
RICHARD BLALOCK,
 Assistant Secretary of the Senate.

RECESS.

Mr. Quaid moved that the House recess to 2 o'clock p. m. today.

The motion prevailed, and the House, accordingly at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

MESSAGE FROM THE GOVERNOR.

Mr. R. B. Walthall, Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following messages from the Governor, which were read to the House, as follows:

Governor's Office,
 Austin, Texas, March 1, 1923.

To the Members of the House of Representatives, Thirty-eighth Legislature.

Gentlemen: I am hereby returning to you, with my disapproval and veto, House bill No. 102. In returning this bill to you with my disapproval, I desire to make the following observations concerning it:

1. The caption of this act is manifestly too restrictive. Among its provisions is found the following:

"To prepare two bills, one providing a civil and one a criminal code of practice in the courts of this State, and report same to the Governor," etc.

The bill itself clearly contemplates that all the civil and criminal statutes to be adopted in the revision shall be embraced in the two bills referred to, but this caption limits the purpose of the bills so that under the Constitution the bills could embrace only those statutes relating to practice; or, to use the language of the caption, which may constitute the "code of practice in the courts of this State."

A caption similar to this one was used in the act of 1909, which went unchallenged. But if challenged in the courts, this caption would clearly limit the authority of the commissioners in the preparation of the bills proposed to

such laws as would be embraced in the codes of practice instead of permitting them to contain the entire revised civil and criminal statutes. Since it is the purpose of the Legislature and of the Executive to have a full revision of the laws, such as is declared by Section 43, Article 3, of the Constitution, the bill providing therefor should be technically correct in order that the commissioners finally appointed may proceed unhampered by doubt as to their authority or litigation concerning it.

2. Section 2 of the bill specifically requires the commissioners to include in the revision the Acts of the Thirty-second Legislature, etc. What was no doubt intended was that the commissioners should include not only laws passed subsequently to the revision of 1911 and prior to the meeting of this session of the Legislature, but that they should include the laws passed by the Thirty-eighth Legislature and those which might be subsequently passed before the codification was completed. As the section now reads its purpose is not clear, or is at least confusing—and in a re-draft of the measure subsequent to this time, the error pointed out should be corrected.

3. Section 1 of the bill prohibits the commissioners from changing the words or punctuation of laws incorporated in the statutes, except in cases of evident clerical or typographical errors, or to improve the verbiage or make clear the meaning of the text. Section 2 of the bill in its closing portion seems to contemplate that the commissioners shall have authority to revise and render the statutes concise, plain and intelligible, without making radical changes therein. These provisions contained in these two different sections are confusing, if not inconsistent, in their terms, and considered as a whole are apparently too restrictive for the proper revision and digest of the laws of the State, such as is contemplated by the Constitution.

The commissioners should be plainly told the limits of their authority so that these limits will not be in doubt. The caption of the Revised Statutes of 1879 contained language expressive of the purpose of the revision and the extent of the authority exercised by the commissioners, as follows:

"That the omissions and defects therein (referring to the statutes) should be supplied and remedied, and that the whole, so far as practicable, be made concise, plain and intelligible."

The commissioners should not, of course, have authority to write entirely new laws; but, clearly they should have the power to omit from any statute useless, contradictory and confusing language, and to express the plain purpose of the law, where necessary, in simple language. In many instances it will no doubt be found that the meaning of intricate and poorly worded statutes has been declared by the courts. In such a case the commissioners ought to have the power of rewriting the statute, so as to make it express the meaning which the courts have given to it. I do not refer to the construction or application of the statutes but to statutes where there is doubt as to their actual meaning, which has been cleared away by the decisions of the courts. The commissioners should have authority to reconcile conflicts and clarify the text of the statutes to be adopted in such manner as may seem best. The Constitution contemplates that the commissioners will be clothed with broad authority to revise and digest the laws, and the power conferred upon them should be consistent with the constitutional purpose. I have no doubt the commissioners can present to the Legislature for adoption statutes meaning the same as they now mean, but materially reduced in volume, and much plainer than many of them now are. The Revised Statutes of 1879 was a monumental work which has merited and received the commendation of the people of the State since that date. The merits of that work no doubt were due in a very large measure to the distinguished men who constituted the commissioners of the revision. These men were: J. W. Ferris, B. H. Bassitt, S. A. Wilson, George Clark and C. S. West—all distinguished in the history of the State. But when these commissioners acted they acted with the broadest authority, which enabled them to present to the Legislature the work of revision in such a satisfactory form. The power under which they acted is contained in Section 1 of the Act of July 20, 1876, reading as follows:

"Be it enacted by the Legislature of the State of Texas, That the Governor shall by and with the advice and consent of the Senate, if in session, appoint a commission of five persons learned in the law, to make a complete revision and digest of the laws of the State of Texas, and embody the same in a bill which shall be by the commission re-

ported to the Governor and by him laid before the next session of the Legislature, and said commission shall revise all the general statutes of the State in force up to the time they shall make their report, and report to the Legislature which of said statutes in their opinion ought and which ought not to remain in force, and shall suggest such omissions and contradictions as they shall find in said statutes and the mode in which they can be reconciled, supplied or amended; and they shall arrange under appropriate chapters and sections all the different acts and parts of acts relating to the same subject matter which they shall deem ought to be continued or adopted, with such marginal and foot notes and explanations as they may deem essential to a clear understanding of the same; and shall execute and complete the revision in all respects in such a manner as in their opinion will render the general statutes most concise, plain and intelligible; and shall embody the result of their labors in two bills, one containing the entire body of civil statutes, and the other the entire body of the statutes relating to criminal law, both properly indexed." Volume 8, Gammel's Laws, page 894.

A proper law regulating the revision should, of course, require the commissioners to set forth in an appropriate way the changes which they have made in the various articles of the statutes from these articles as originally enacted in order that the members of the Legislature may determine whether they shall approve or disapprove the changes suggested by the commissioners.

4. This bill provides for the annotation of the Statutes. I understand from this that it is contemplated that the decisions of the courts of the State shall be digested and placed as annotations under appropriate articles of the statute. This provision for annotation proved abortive in the revision of 1911, and in my opinion is impracticable and too expensive to be undertaken by the State, and is really unnecessary for the general purposes of Revised Statutes.

The Revised Civil Statutes as now annotated and published by one of the law book publishing houses comprises some eight large volumes, and this indicates an undertaking beyond what is desirable or practicable in a revision of the statutes of the State.

5. A fundamental objection to this bill is that it clearly does not contem-

plate that the commissioners to be appointed under it shall actually do the work of revision, but its purpose is to authorize them to employ some person or corporation to revise the statutes. The bill expressly provides that the commissioners shall not receive any compensation; and it is not believed that men capable of doing this work can be found who can or will give their time and do the work for nothing. The revision of the statutes is a matter of paramount importance and ought to be done personally by the commissioners. They should, of course, have an organization capable of assisting them in the performance of their duties. They ought to be assigned rooms in the Capitol, be authorized to employ clerks and stenographers and, if they think it necessary, experts in the construction and editing and publication of statutes and laws. In other words, they should be empowered to equip themselves with stationery, typewriters, stenographers and such expert help as they find to be necessary to discharge their duties in the most efficient way. The commissioners should be paid a salary sufficient to enable the Governor to obtain the best talent available in this State; and since the positions last but a short time but necessitate the absence of the commissioners from their private practice and private business affairs, a salary commensurate with the work to be done should be paid.

Since our courts hold that the statutes when revised and adopted by the Legislature constitute the law, and that those things omitted are repealed, and that all things included in the revision, whether previously the law or not, by the act of adoption become the law, it is quite plain that the preparation of the Revised Statutes should be done in the most painstaking, careful and thorough manner, and that only the best talent which the State affords should be employed in the preparation of the revisions for adoption by the Legislature.

I am heartily in favor of the purposes of this bill. The work contemplated to be done by this measure is much needed. This will not, however, in my opinion, accomplish the purposes sought, and for this reason is returned to you, hoping that a better bill can now or at some other time be enacted into a law.

Respectfully,
PAT M. NEFF,
Governor.

Governor's Office,
Austin, Texas, March 1, 1923.

To the Members of the House of Representatives, Thirty-eighth Legislature.

Gentlemen: I am returning herewith to you, with my disapproval and veto, House bill No. 110. This bill is vetoed and disapproved for the following reasons:

First. As a general proposition, there should be no new legislation unless there is some known demand for it, and on investigation at the Department of Banking and Insurance and at other places and from other individuals there seems to be no demand for this bill.

Second. On inquiry, I am unable to find any evil that this particular bill seeks to correct.

Third. It provides in a general way, as I understand it, that if any foreign insurance company, doing business in another State, commits any act that is not satisfactory to the Commissioner of Insurance and Banking in Texas that said Insurance and Banking Commissioner is vested, in that event, with power to cancel the permit of said foreign insurance companies doing business in Texas.

Fourth. The above seems to be, in a general way, the purpose of this bill, but as to that I am not sure, for the reason that there is one sentence in this bill consisting of 700 words, and I seriously doubt the wisdom of passing any bill that has in it a sentence of 700 words, because it is almost impossible to ascertain the full meaning and purport of a sentence of that length.

Fifth. It places, in my opinion, too much arbitrary authority in the hands of the Commissioner of Insurance and Banking in Texas.

With these observations concerning this particular bill, I am returning it herewith to you with my veto and disapproval.

Respectfully,
PAT M. NEFF,
Governor.

CONSIDERATION OF VETO OF HOUSE BILL NO. 309.

Mr. Davenport called up for consideration at this time,

H. B. No. 309, A bill to be entitled "An Act constituting Bexar county the Thirty-seventh, Forty-fifth, Fifty-seventh, Seventy-third and Ninety-fourth Judicial Districts; providing for the present judges of the Thirty-seventh,

Forty-fifth, Fifty-seventh and Seventy-third Judicial Districts to continue to hold their offices for the respective terms for which they were elected; the appointment of a suitable person by the Governor as judge of the Ninety-fourth Judicial District to hold until the next general election; prescribing the jurisdiction of said courts and providing for the election of judges thereof, and for the district attorney of the Thirty-seventh Judicial District to be the district attorney of all of said courts, and providing the terms of said courts, and providing for the empaneling of grand juries in the Thirty-seventh, Forty-fifth and Ninety-fourth Judicial Districts, and providing that the said grand juries shall return all bills of indictment to the court in which said grand jury was empaneled; and providing that said Thirty-seventh, Forty-fifth and Ninety-fourth Judicial District courts shall give preference to the trial of criminal cases; and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill having been received from the Governor today with a message notifying the House of his disapproval of same.

Mr. Davenport moved that the bill be passed notwithstanding the objection of the Governor.

Question—Shall the bill be passed notwithstanding the objection of the Governor?

The Clerk was directed to call the roll and the bill was passed by the following vote:

Yeas—84.

Amsler.	Green.
Arnold.	Greer.
Baker of Milam.	Hardin of Erath.
Baker of Orange.	Hardin
Barrett.	of Kaufman.
Beasley.	Harrington.
Bell.	Harris.
Bobbitt.	Henderson
Bryant.	of Marion.
Burmeister.	Henderson
Carpenter	of McLennan.
of Matagorda.	Hendricks.
Carson.	Houston.
Carter of Coke.	Howeth.
Carter of Hays.	Hughes.
Crawford.	Hull.
Davenport.	Irwin.
Dielmann.	Jacks.
Dodd.	Kemble.
Durham.	Lane.
Edwards.	Lewis.
Gipson.	Loftin.

McBride.	Potter.
McDaniel.	Price.
McDonald.	Purl.
McFarlane.	Quinn.
McKean.	Robinson.
McNatt.	Rogers.
Martin.	Rountree.
Maxwell.	Russell
Melson.	of Callahan.
Merriman.	Sanford.
Merritt.	Shires.
Miller.	Simpson.
Montgomery.	Smith.
Moore.	Sparkman.
Morgan	Storey.
of Liberty.	Stroder.
Morgan	Sweet.
of Robertson.	Teer.
Pate.	Thompson.
Patman.	Thrasher.
Patterson.	Wells.
Perdue.	Williamson.
Pinkston.	Wilmans.
Pool.	Wilson.

Nays—27.

Abney.	Looney.
Atkinson.	Mathes.
Avis.	Quaid.
Barker.	Rice.
Brady.	Rowland.
Cable.	Russell of Trinity.
Cowen.	Sackett.
Culp.	Stevens.
DeBerry.	Stewart of Jasper.
Downs.	Stewart of Reeves.
Driggers.	Turner.
Duffey.	Vaughan.
Finlay.	Wessels.
LeMaster.	

Present—Not Voting.

Bird.	Jennings.
Dunlap.	Lackey.
Dunn.	Satterwhite.

Absent.

Baldwin.	Johnson.
Blount.	Jones.
Bonham.	Laird.
Carpenter	Lamb.
of Dallas.	LeStourgeon.
Chitwood.	Pope.
Coffee.	Shearer.
Collins.	Stell.
Covey.	Stewart
Davis.	of Edwards.
Dinkle.	Wallace.
Faubion.	Westbrook.
Fields.	Winfree.
Frnka.	Young.
Fugler.	

Absent—Excused.

Lusk.	Strickland.
Stiernberg.	

Mr. Davenport moved to reconsider the vote by which the bill was passed and to table the motion to reconsider. The motion to table prevailed.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, March 1, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that on March 1, 1923,

S. B. No. 92, A bill to be entitled "An Act to prescribe the time and fix the terms of holding the district courts in the counties comprising the Seventy-ninth Judicial District of Texas; and to conform all writs and process from such courts to such changes and to make all process issued or served before this act takes effect, including recognizances and bonds, returnable to the terms of courts in such districts as herein fixed and to validate the summoning of grand and petit jurors therein; to repeal Section 2 of Chapter 48 of the Laws of the Thirty-fourth Legislature, passed and approved March 12, 1915, relating to the time of holding district courts in said district, and repealing Chapter 8 of the Laws of the Thirty-seventh Legislature passed and approved February 2, 1921, relating to the time of holding courts in said district, and repealing Chapter 5 of the General Laws passed by the First Called Session of the Thirty-seventh Legislature, approved August 14, 1921, and repealing all laws in conflict with this act, and declaring an emergency," was returned to the Senate by the Governor, with his objections; that the Senate has reconsidered said bill and passed same notwithstanding the objections of the Governor by the following vote: Yeas, 18; nays, 9.

That on March 1, 1923,

S. B. No. 278, A bill to be entitled "An Act creating the Ninety-sixth Judicial District of Texas, and establishing a new civil district within the limits of Tarrant county, additional to the district courts now organized and operating in said county; fixing the terms of said court; defining the jurisdiction thereof; providing for the appointment of the judge thereof by the Governor until the next general election; authorizing the transfer of cases by and between the various civil district

courts in said county; repealing all laws in conflict herewith, and declaring an emergency," was returned to the Senate by the Governor, with his objections; that the Senate has reconsidered said bill and passed same notwithstanding the objections of the Governor, by the following vote: Yeas, 19; nays, 9.

Said bills are herewith returned to the House, with the objections of the Governor.

The Senate has passed

S. B. No. 396, A bill to be entitled "An Act to validate all sales of public school land sold to the highest bidder on January 20, 1908, and now situated in Kleberg, Kenedy and Brooks counties, which are in good standing as to interest payments on the records of the General Land Office; authorizing patents to be issued when finally paid for, and declaring an emergency."

Respectfully,

RICHARD BLALOCK,
Assistant Secretary of the Senate.

MESSAGE FROM THE GOVERNOR.

The Speaker laid before the House and had read the following message from the Governor, received from the Senate today:

Governor's Office,
Austin, Texas, March 1, 1923.

To the Texas Senate, Thirty-eighth Legislature.

Gentlemen: I am returning to you, with my disapproval and veto, Senate bill No. 92. This bill provides for the creation of the Ninety-third Judicial District Court, composed of Hidalgo county.

First. We have at this time entirely too many district courts in Texas. A considerable number of our courts now in existence have but little to do. Certainly we should be slow to create new courts while many of those we already have do not have sufficient work to do. There is no private business enterprise anywhere in Texas which would employ additional help to do a particular kind of work while many of those already in the employ of the institution did not have enough work to do to occupy their time. The private institution would readjust matters so that the employees would be kept reasonably busy with the work assigned them. It is conservatively estimated that the running expenses directly connected with and incident to

the operation of a district court are approximately \$25,000 a year. There are now pending in the Legislature some fifteen or more bills creating that number of new district courts in Texas. All these bills will probably pass and come to my desk for consideration. The proponents of each particular bill think that their court, above all courts, is an absolute necessity. Scarcely any of the respective districts need, if anything, more than temporary relief.

Second. For the purpose of giving temporary relief it is neither wise nor necessary to establish a permanent court. When a court has been once established it seems absolutely impossible at any time to abolish it; courts and public offices once created seem to run on forever.

Two bills now pending before the Legislature, one providing for exchange of benches and the other providing for five district courts for all Texas, will give, according to the judgment of those who have considered the question, necessary relief, not only in a few particular cases in Texas, but throughout the entire State. We presume these two bills will pass both the House and the Senate within the next few days. These two contemplated laws, when put into operation, will together relieve both the civil and criminal dockets of Hidalgo county. To say the least, the two proposed laws above mentioned would, in operation, give temporary relief to the district court docket of Hidalgo county, and when the next regular session of the Legislature convenes, if it is found that this aid has not been sufficient to catch up with the work of the courts, then it will be the proper time for the State to go to the expense of creating another permanent court for Hidalgo county. The fact that there may be a large number of cases on a court docket does not necessarily mean that the courts need even temporary relief. Nearly all court dockets have many cases on them. This, however, does not indicate that the court is kept busy trying cases. All of us who have practiced law to any extent realize the truth of this statement. It seems to me that temporary relief, as provided in the two bills above mentioned, should be first tried out.

Believing that it would be unwise and not in keeping with the principles of strict and rigid economy to create another permanent district court for Hidalgo county just at this time, I am,

guided by the best light that I now have, returning herewith to you, with my veto, this bill which seeks to establish another district court in Hidalgo county.

Respectfully,
PAT M. NEFF,
Governor.

CONSIDERATION OF VETO OF SENATE BILL NO. 92.

Mr. Montgomery called up for consideration at this time,

S. B. No. 92, A bill to be entitled "An Act to prescribe the time and fix the terms of holding the district courts in the counties comprising the Seventy-ninth Judicial District of Texas; and to conform all writs and process from such courts to such changes and to make all process issued or served before this act takes effect, including recognizances and bonds, returnable to the terms of courts in such districts as herein fixed, and to validate the summoning of grand and petit jurors therein; to repeal Section 2 of Chapter 48 of the Laws of the Thirty-fourth Legislature, passed and approved March 12, 1915, relating to the time of holding district courts in said district, and repealing Chapter 8 of the Laws of the Thirty-seventh Legislature, passed and approved February 2, 1921, relating to the time of holding courts in said district, and repealing Chapter 5 of the General Laws passed by the First Called Session of the Thirty-seventh Legislature, approved August 14, 1921, and repealing all laws in conflict with this act, and declaring an emergency."

The bill having been received from the Senate, with a message from the Governor notifying the Senate of his disapproval of same.

Mr. Montgomery moved that the bill be passed notwithstanding the objections of the Governor.

Question—Shall Senate bill No. 92 be passed notwithstanding the objections of the Governor?

The Clerk was directed to call the roll and the House refused to pass the bill by the following vote:

Yeas—71.

Amsler.	Burmeister.
Arnold.	Carson.
Baker of Milam.	Carter of Coke.
Baker of Orange.	Carter of Hays.
Beasley.	Crawford.
Bobbitt.	Davenport.
Bonham.	Dielmann.

Dodd.	Morgan
Dunlap.	of Robertson.
Edwards.	Patman.
Green.	Perdue.
Hardin of Erath.	Pinkston.
Hardin	Pool.
of Kaufman.	Potter.
Harris.	Price.
Henderson	Purl.
of Marion.	Quinn.
Henderson	Robinson.
of McLennan.	Rogers.
Houston.	Rountree.
Hughes.	Russell
Hull.	of Callahan.
Irwin.	Sackett.
Jacks.	Sanford.
Jennings.	Shearer.
Kemble.	Shires.
Lane.	Simpson.
Lewis.	Smith.
Loftin.	Sparkman.
McDaniel.	Sweet.
McFarlane.	Teer.
McNatt.	Thompson.
Melson.	Thrasher.
Merriman.	Vaughan.
Merritt.	Wells.
Miller.	Wessels.
Montgomery.	Williamson.
Morgan	Wilson.
of Liberty.	Winfree.

Nays—35.

Atkinson.	Greer.
Avis.	Howeth.
Barker.	Laird.
Barrett.	LeMaster.
Bell.	Looney.
Bird.	McBride.
Brady.	Martin.
Bryant.	Mathes.
Cable.	Quaid.
Cowen.	Rice.
Downs.	Rowland.
Driggers.	Russell of Trinity.
Duffey.	Stevens.
Dunn.	Stewart of Jasper.
Faubion.	Stewart of Reeves.
Fields.	Stroder.
Finlay.	Westbrook.

Present—Not Voting.

Carpenter	McDonald.
of Matagorda.	McKean.
DeBerry.	Satterwhite.
Durham.	Stewart
Harrington.	of Edwards.
Lackey.	
	Absent.
Abney.	Carpenter
Baldwin.	of Dallas.
Blount.	Chitwood.

Coffee.	LeSturgeon.
Collins.	Maxwell.
Covey.	Moore.
Culp.	Pate.
Davis.	Patterson.
Dinkle.	Pope.
Frnka.	Stell.
Fugler.	Storey.
Gipson.	Turner.
Hendricks.	Wallace.
Johnson.	Wilms.
Jones.	Young.
Lamb.	

Absent—Excused.

Lusk.	Strickland.
Stiernberg.	

Mr. Cowen moved to reconsider the vote by which the House refused to pass the bill.

The motion to reconsider prevailed.

Question again recurred—Shall Senate bill No. 92 be passed notwithstanding the objections of the Governor?

The Clerk was directed to call the roll and the House passed the bill by the following vote:

Yeas—93.

Amaler.	Henderson
Arnold.	of Marion.
Baker of Milam.	Henderson
Baker of Orange.	of McLennan.
Beasley.	Houston.
Bell.	Hughes.
Bobbitt.	Hull.
Bonham.	Irwin.
Brady.	Jacks.
Burmeister.	Jennings.
Carpenter	Jones.
of Matagorda.	Kemble.
Carson.	Lane.
Carter of Coke.	Lewis.
Carter of Hays.	Loftin.
Cowen.	McDaniel.
Crawford.	McDonald.
Culp.	McFarlane.
Davenport.	McNatt.
Davis.	Martin.
Dielmann.	Melson.
Dodd.	Merritt.
Dunlap.	Miller.
Dunn.	Montgomery.
Durham.	Morgan
Edwards.	of Liberty.
Finlay.	Morgan
Gipson.	of Robertson.
Green.	Pate.
Greer.	Patman.
Hardin of Erath.	Pinkston.
Hardin	Pool.
of Kaufman.	Pope.
Harrington.	Potter.
Harris.	Price.

Purl.	Stewart of Reeves.
Quaid.	Storey.
Quinn.	Stroder.
Robinson.	Sweet.
Rogers.	Teer.
Rountree.	Thompson.
Russell	Thrasher.
of Callahan.	Turner.
Sanford.	Vaughan.
Satterwhite.	Wells.
Shearer.	Wessels.
Shires.	Williamson.
Simpson.	Wilms.
Smith.	Wilson.
Sparkman.	Winfree.

Nays—26.

Abney.	Howeth.
Atkinson.	Laird.
Avis.	Lamb.
Barker.	LeMaster.
Barrett.	Looney.
Bird.	McBride.
Bryant.	Mathes.
Cable.	Rice.
Downs.	Rowland.
Driggers.	Sackett.
Duffey.	Stevens.
Fields.	Stewart of Jasper.
Hendricks.	Westbrook.

Present—Not Voting.

DeBerry.	Stewart
	of Edwards.

Absent.

Baldwin.	Lackey.
Blount.	LeSturgeon.
Carpenter	McKean.
of Dallas.	Maxwell.
Chitwood.	Merriman.
Coffee.	Moore.
Collins.	Patterson.
Covey.	Perdue.
Dinkle.	Russell of Trinity.
Faubion.	Stell.
Frnka.	Wallace.
Fugler.	Young.
Johnson.	

Absent—Excused.

Lusk.	Strickland.
Stiernberg.	

Mr. Carter of Coke moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE GOVERNOR.

The Speaker laid before the House the following message from the Governor, received from the Senate today:

Governor's Office,
Austin, Texas, March 1, 1923.

To the Texas Senate, Thirty-eighth
Legislature.

Gentlemen: I am returning herewith to you, with my disapproval and veto, Senate bill No. 278. This bill provides for the creation of the Ninety-sixth Judicial District Court, composed of Tarrant county.

First. We have at this time entirely too many district courts in Texas. A considerable number of our courts now in existence have but little to do. Certainly we should be slow to create new courts while many of those we already have do not have sufficient work to do. There is no private business enterprise anywhere in Texas which would employ additional help to do a particular kind of work while many of those already in the employ of the institution did not have enough work to do to occupy their time. The private institution would readjust matters so that the employes would be kept reasonably busy with the work assigned them. It is conservatively estimated that the running expenses, directly connected with and incident to the operation of a district court, are approximately \$25,000 a year. There are now pending in the Legislature some fifteen or more bills creating that number of new district courts in Texas. All these bills will probably pass and come to my desk for consideration. The proponents of each particular bill think that their court, above all courts, is an absolute necessity. Scarcely any of the respective districts need, if anything, more than temporary relief.

Second. For the purpose of giving temporary relief it is neither wise nor necessary to establish a permanent court. When a court has been once established it seems absolutely impossible at any time to abolish it; courts and public offices once created seem to run on forever.

Two bills now pending before the Legislature, one providing for exchange of benches and the other providing for five district courts for all Texas, will give, according to the judgment of those who have considered the question, necessary relief, not only in a few particular cases in Texas, but throughout the entire State. We presume these two bills will pass both the House and the Senate within the next few days. These two contemplated laws, when put into operation, will, together, relieve both the

civil and criminal dockets of Tarrant county.

Third. To say the least, the two proposed laws above mentioned would, in operation, give temporary relief to the district court docket of Tarrant county, and when the next regular session of the Legislature convenes, if it is found that this aid has not been sufficient to catch up with the work of the courts, then it will be the proper time for the State to go to the expense of creating another permanent district court for Tarrant county. The fact that there may be a large number of cases on a court docket does not necessarily mean that the courts need even temporary relief. Nearly all court dockets have many cases on them. This, however, does not indicate that the court is kept busy trying cases. All of us who have practiced law to any extent realize the truth of this statement. Tarrant county now has three district courts and an inquiry into the work turned out by these three courts would indicate that the lawyers who desired to have cases tried were not often prevented from doing so on account of court facilities. I was unofficially advised that one of the judges complained that he did not have enough work to keep him busy for the reason that it was difficult to get cases to try. It seems to me that temporary relief, as provided in the two bills above mentioned, should be first tried out. It is thought by many, both of the laity and of the legal profession in Fort Worth, that this additional court is not needed and that temporary relief at most, is all that could be desired.

Believing that it would be unwise and not in keeping with the principles of strict and rigid economy to create another permanent district court at Fort Worth just at this time, I am, guided by the best light that I now have, returning herewith to you, with my veto, this bill which seeks to establish another district court in Tarrant county.

Respectfully,
PAT M. NEFF,
Governor.

CONSIDERATION OF VETO OF SENATE BILL NO. 278.

Mr. Potter called up for consideration at this time

S. B. No. 278, A bill to be entitled "An Act creating the Ninety-sixth Judicial District of Texas, and establish-

ing a new civil district within the limits of Tarrant county, additional to the district courts now organized and operating in said county; fixing the terms of said court; defining the jurisdiction thereof; providing for the appointment of the judge thereof by the Governor until the next general election; authorizing the transfer of cases by and between the various civil district courts in said county; repealing all laws in conflict herewith, and declaring an emergency."

The bill having been received from the Senate with a message from the Governor notifying the Senate of his disapproval of same.

Mr. Potter moved that the bill be passed notwithstanding the objections of the Governor.

Question—Shall the bill be passed?

The Clerk was directed to call the roll and the bill was passed, notwithstanding the Governor's objections, by the following vote:

Yeas—91.

Amsler.	Johnson.
Arnold.	Kemble.
Baker of Milam.	Lamb.
Baker of Orange.	Lane.
Beasley.	Lewis.
Bell.	Loftin.
Bobbitt.	McDaniel.
Bryant.	McDonald.
Burmeister.	McFarlane.
Carpenter	McNatt.
of Matagorda.	Martin.
Carter of Coke.	Mathes.
Carter of Hays.	Melson.
Collins.	Merritt.
Culp.	Miller.
Davenport.	Montgomery.
Davis.	Moore.
Dielmann.	Morgan
Dodd.	of Liberty.
Dunlap.	Morgan
Dunn.	of Robertson.
Edwards.	Pate.
Finlay.	Patman.
Green.	Patterson.
Hardin of Erath.	Pinkston.
Hardin	Pool.
of Kaufman.	Pope.
Harrington.	Potter.
Harris.	Price.
Henderson	Purl.
of Marion.	Quaid.
Henderson	Quinn.
of McLennan.	Robinson.
Hendricks.	Rogers.
Houston.	Rountree.
Hull.	Rowland.
Irwin.	Russell
Jacks.	of Callahan.
Jennings.	Russell of Trinity.

Sackett.
Sanford.
Satterwhite.
Shires.
Simpson.
Smith.
Sparkman.
Storey.
Stroder.
Sweet.
Teer.

Thompson.
Thrasher.
Vaughan.
Wells.
Wessels.
Williamson.
Wilmans.
Wilson.
Winfree.
Young.

Nays—26.

Atkinson.
Barker.
Barrett.
Bonham.
Cable.
Carson.
Cowen.
Crawford.
Downs.
Driggers.
Duffey.
Faubion.
Fields.
Howeth.

Laird.
LeMaster.
Looney.
McBride.
McKean.
Merriman.
Rice.
Stevens.
Stewart
of Edwards.
Stewart of Jasper.
Turner.
Westbrook.

Present—Not Voting.

Avis.
Bird.

DeBerry.

Absent.

Abney.
Baldwin.
Blount.
Brady.
Carpenter
of Dallas.
Chitwood.
Coffee.
Covey.
Dinkle.
Durham.
Frnka.
Fugler.

Gipson.
Greer.
Hughes.
Jones.
Lackey.
LeSturgeon.
Maxwell.
Perdue.
Shearer.
Stell.
Stewart of Reeves.
Wallace.

Absent—Excused.

Lusk.
Stiernberg.

Strickland.

Mr. Kemble moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

INVITING ADJUTANT GENERAL
THOS. D. BARTON TO ADDRESS
THE HOUSE.

Mr. Rountree offered the following resolution:

Whereas, Adjutant General Thos. D. Barton has for two years executed the duties of his office with distinction and

fidelity and to the satisfaction of the people of Texas; and

Whereas, Adjutant General Barton won distinction in the world war; therefore, be it

Resolved, That he be invited to address the House at 11:50 o'clock Friday morning, March 2nd, the anniversary of Texas Independence.

The resolution was read second time.

On motion of Mr. Rountree, the resolution was adopted by a rising vote.

HOUSE BILL NO. 85 ON SECOND READING.

On motion of Mr. Dodd, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 85, A bill to be entitled "An Act prohibiting the issuance of marriage licenses unless such application is accompanied by a certificate from a reputable physician; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

(Mr. Satterwhite in the chair.)

Mr. Rice offered the following amendment to the bill:

Strike out all after the enacting clause and substitute the following:

Section 1. From and after the passage of this act it shall be unlawful for any man to procure a license to marry or to marry in this State unless within five days before he apply for such license or before he shall marry in pursuance of a license procured by another, he shall have been physically examined by a reputable practicing physician or some physician connected with the administration of the health laws of the State, and shall have furnished from such physician as a result of such careful and thorough examination a written certificate stating that he is free from all venereal disease, which certificate shall be presented to the clerk at the time the license is procured whether the application for the license be made by the man intending to marry or by some one else in his behalf.

Sec. 2. Any person procuring a marriage certificate for himself or another without presenting such certificate, and any clerk issuing a license without such certificate shall be guilty of a misdemeanor and fined in any sum not less than fifty (\$50) dollars nor more than one thousand (\$1000) dollars.

Sec. 3. Any physician giving a false certificate shall also be guilty of a misdemeanor and he shall be fined in any sum not less than one hundred (\$100) dollars and not more than one thousand (\$1000) dollars.

Sec. 4. The fact that there is now no law in this State requiring health certificates from parties entering into matrimonial contracts, and the further fact that the absence of this requirement is detrimental to the public health of this State, creates an emergency and an imperative public necessity requiring that the constitutional rule providing that bills be read or three several days in each house be suspended, and it is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Mr. Purl moved that further consideration of the bill be postponed indefinitely.

Mr. Merriman moved the previous question on the pending amendment, motion to postpone indefinitely and the bill, and the main question was ordered.

Question recurring on the amendment by Mr. Rice, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—54.

Atkinson.	Loftin.
Avis.	McDaniel.
Barker.	McNatt.
Bell.	Martin.
Cable.	Melson.
Carpenter	Miller.
of Matagorda.	Moore.
Carson.	Pate.
Carter of Hays.	Patman.
Culp.	Potter.
Davis.	Price.
Dodd.	Purl.
Downs.	Quaid.
Dunn.	Quinn.
Edwards.	Rice.
Faubion.	Shearer.
Fields.	Simpson.
Finlay.	Smith.
Green.	Sparkman.
Hardin of Erath.	Storey.
Harrington.	Thompson.
Henderson	Thrasher.
of Marion.	Wells.
Jones.	Westbrook.
Lackey.	Wessels.
Laird.	Williamson.
Lamb.	Winfree.
Lewis.	

Nays—64.

Abney.	McBride.
Amsler.	McDonald.
Arnold.	McFarlane.
Baker of Milam.	McKean.
Baker of Orange.	Mathes.
Beasley.	Maxwell.
Bird.	Merriman.
Bobbitt.	Merritt.
Bonham.	Morgan
Bryant.	of Liberty.
Burmeister.	Morgan
Carter of Coke.	of Robertson.
Covey.	Patterson.
Crawford.	Perdue.
DeBerry.	Pinkston.
Dielmann.	Robinson.
Driggers.	Rowland.
Duffey.	Russell
Durham.	of Callahan.
Greer.	Russell of Trinity.
Hardin	Sackett.
of Kaufman.	Sanford.
Henderson	Satterwhite.
of McLennan.	Shires.
Hendricks.	Stevens.
Houston.	Stewart
Hughes.	of Edwards.
Hull.	Stewart of Jasper.
Irwin.	Stroder.
Jacks.	Sweet.
Jennings.	Teer.
Kemble.	Turner.
Lane.	Vaughan.
LeMaster.	Wilmans.
Looney.	Young.

Present—Not Voting.

Harris.

Absent.

Baldwin.	Fugler.
Barrett.	Gipson.
Blount.	Howeth.
Brady.	Johnson.
Carpenter	LeSturgeon.
of Dallas.	Montgomery.
Chitwood.	Pool.
Coffee.	Pope.
Collins.	Rogers.
Cowen.	Rountree.
Davenport.	Stell.
Dinkle.	Stewart of Reeves.
Dunlap.	Wallace.
Frnka.	Wilson.

Absent—Excused.

Lusk.	Strickland.
Stiernberg.	

Question next recurring on the motion to postpone indefinitely, yeas and nays were demanded.

The motion to postpone indefinitely was lost by the following vote:

Yeas—56.

Amsler.	Loftin.
Atkinson.	McDaniel.
Barker.	McDonald.
Beasley.	McNatt.
Bryant.	Martin.
Cable.	Merriman.
Carson.	Merritt.
Collins.	Miller.
Cowen.	Morgan
Culp.	of Liberty.
Davis.	Patman.
DeBerry.	Patterson.
Dielmann.	Pinkston.
Duffey.	Pope.
Finlay.	Potter.
Green.	Purl.
Hardin	Quaid.
of Kaufman.	Russell
Harrington.	of Callahan.
Harris.	Sanford.
Henderson	Satterwhite.
of Marion.	Shires.
Henderson	Stevens.
of McLennan.	Storey.
Houston.	Thompson.
Howeth.	Vaughan.
Hughes.	Westbrook.
Jacks.	Wessels.
Jennings.	Winfree.
Jones.	Young.
Laird.	

Nays—64.

Abney.	McBride.
Arnold.	McFarlane.
Avis.	McKean.
Baker of Milam.	Mathes.
Baker of Orange.	Maxwell.
Bell.	Melson.
Bobbitt.	Moore.
Bonham.	Morgan
Brady.	of Robertson.
Burmeister.	Pate.
Carpenter	Perdue.
of Matagorda.	Price.
Carter of Coke.	Quinn.
Carter of Hays.	Rice.
Covey.	Robinson.
Crawford.	Rogers.
Dodd.	Rountree.
Driggers.	Rowland.
Dunn.	Russell of Trinity.
Durham.	Sackett.
Faubion.	Shearer.
Greer.	Simpson.
Hardin of Erath.	Smith.
Hendricks.	Sparkman.
Hull.	Stewart
Irwin.	of Edwards.
Kemble.	Stewart of Jasper.
Lamb.	Stewart of Reeves.
Lane.	Stroder.
LeMaster.	Sweet.
Looney.	Teer.

Thrasher. Williamson.
Turner. Wilmans.
Wells.

Present—Not Voting.

Bird. Downs.
Absent.

Baldwin.	Frnka.
Barrett.	Fugler.
Blount.	Gipson.
Carpenter	Johnson.
of Dallas.	Lackey.
Chitwood.	LeStourgeon.
Coffee.	Lewis.
Davenport.	Montgomery.
Dinkle.	Pool.
Dunlap.	Stell.
Edwards.	Wallace.
Fields.	Wilson.

Absent—Excused.

Lusk. Strickland.
Stiernberg.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 85 failed to pass to engrossment by the following vote:

Yeas—51.

Abney.	Melson.
Arnold.	Morgan
Baker of Milam.	of Robertson.
Baker of Orange.	Pate.
Burmeister.	Perdue.
Carter of Coke.	Price.
Carter of Hays.	Quinn.
Covey.	Rice.
Dodd.	Robinson.
Downs.	Rogers.
Driggers.	Rowland.
Durham.	Russell of Trinity.
Faubion.	Sackett.
Hardin of Erath.	Shearer.
Hendricks.	Smith.
Hughes.	Sparkman.
Irwin.	Stewart of Jasper.
Kemble.	Stewart of Reeves.
Lamb.	Stroder.
Lane.	Sweet.
LeMaster.	Teer.
Lewis.	Thrasher.
Looney.	Turner.
McBride.	Wells.
McFarlane.	Williamson.
Mathes.	Wilmans.

Nays—66.

Amsler. Avis.
Atkinson. Barker.

Beasley.	Jones.
Bell.	Laird.
Bobbitt.	Loftin.
Brady.	McDaniel.
Bryant.	McNatt.
Cable.	Martin.
Carpenter	Merriman.
of Matagorda.	Merritt.
Carson.	Miller.
Collins.	Moore.
Cowen.	Morgan
Crawford.	of Liberty.
Culp.	Patman.
Davis.	Patterson.
DeBerry.	Pinkston.
Dielmann.	Pool.
Duffey.	Pope.
Dunn.	Potter.
Fields.	Purl.
Finlay.	Quaid.
Green.	Russell
Greer.	of Callahan.
Hardin	Sanford.
of Kaufman.	Satterwhite.
Harrington.	Shires.
Harris.	Simpson.
Henderson	Stevens.
of Marion.	Stewart
Henderson	of Edwards.
of McLennan.	Storey.
Houston.	Thompson.
Howeth.	Vaughan.
Hull.	Westbrook.
Jacks.	Wilson.
Jennings.	Winfree.
Johnson.	Young.

Present—Not Voting.

Bird. Wessels.
Absent.

Baldwin.	Frnka.
Barrett.	Fugler.
Blount.	Gipson.
Bonham.	Lackey.
Carpenter	LeStourgeon.
of Dallas.	McDonald.
Chitwood.	McKean.
Coffee.	Maxwell.
Davenport.	Montgomery.
Dinkle.	Rountree.
Dunlap.	Stell.
Edwards.	Wallace.

Absent—Excused.

Lusk. Strickland.
Stiernberg.

ADJOURNMENT.

On motion of Mr. Quaid, the House at 4:11 o'clock p. m., adjourned until 4:12 o'clock p. m. Thursday, March 1.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills as follows:

Revenue and Taxation—Senate bill No. 291.

Judiciary—Senate bills Nos. 63, 181.

School Districts—House bills Nos. 588, 643, 649.

The following committee has filed unfavorable reports on bills as follows:

State Affairs—House bills Nos. 558, 414, 297.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, March 1, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 3, Providing for compiling and printing Legislative Manual of the Thirty-eighth Legislature, and printing copies of the Constitution of Texas,

Have carefully compared same and find it correctly enrolled, and have this day, at 11:05 o'clock a. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

Committee Room,
Austin, Texas, March 1, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 308, "An Act to prevent the selling of bass, perch, or crappie, or catfish, taken from the fresh waters in the counties of Comal, Guadalupe, Bexar, Kerr, Bandera and Real, State of Texas; making it unlawful to use any dynamite or other explosives in the killing or catching of any fish in the fresh waters of said counties and providing a penalty for the violation thereof; prohibiting the use of any seine, drag net, trammel net or other net other than a minnow seine, which shall not be more than ten feet in length and the meshes of which shall not be smaller than one-fourth inch; providing for a closed season; prescribing the size of fish that may be taken; limiting the number of bass to be taken in any one day; providing that the district judge

of the judicial district in which the counties of Comal, Guadalupe, Bexar, Kerr, Bandera and Real are situated shall give a special charge upon this law to the grand juries of the counties of Comal, Guadalupe, Bexar, Kerr, Bandera and Real; providing a penalty for the violation hereof, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day at 11:05 o'clock a. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

Committee Room,
Austin, Texas, March 1, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 350, "An Act to create the Granbury Independent School District in Hood county, Texas, including the present Granbury district of said county; providing for a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the present Granbury district shall continue to act as such until their successors are elected in accordance with the general laws of Texas, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled, and have this day, at 11:05 o'clock a. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

THIRTY-SIXTH DAY.

(Thursday, March 1, 1923.)

The House met at 4:12 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Beasley.
Amsler.	Bell.
Arnold.	Bird.
Atkinson.	Bobbitt.
Avis.	Bonham.
Baker of Milam.	Brady.
Baker of Orange.	Bryant.
Barker.	Burmeister.
Barrett.	Cable.